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Letter dated 29 January 2001 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith to you, in your capacity as President of the Security Council, a communication regarding recent violations by the Abkhaz separatist regime of the Moscow Ceasefire Agreement dated 14 May 1994 (S/1994/583, annex I) (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Peter **Chkheidze**
Ambassador
Permanent Representative

01-23069 (E) 290101

Annex to the letter dated 29 January 2001 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council

Upon instructions received from my Government, I am authorized to inform you about recent violations by the Abkhaz separatists of the Moscow Ceasefire Agreement dated 14 May 1994 (S/1994/583, annex I).

Around 12 p.m. on 26 January 2001, an anti-tank rocket was launched from the left bank of the Inguri River currently controlled by the Abkhaz separatist regime near the Commonwealth of Independent States (CIS) peacekeepers' checkpoint, No. 201, towards the territory controlled by the Georgian authorities, hitting a civilian car. The car was moving along near the CIS peacekeepers' checkpoint, No. 301. The car exploded upon being hit by the rocket. As a result, four civilians — the car's driver, Gela Shonia, and three accompanying villagers, Sergo Ubilava, Tariel Kvaratskhelia and Slavik Strelkov-Kakubava — were seriously injured. The victims with multiple wounds were transported to the city hospital of Zugdidi. Mr. Shonia's leg required amputation as a result of the explosion and his condition is still critical.

On 25 January 2001, in the village Chuburkhindgi, prior to the weekly meeting of group I of the Coordinating Council, another incident took place. As a result of it, a civilian inhabitant of the city of Sukhumi, Mr. Kishmaria, a resident of the village of Dikhazurga in the Gali region, Vakhtang Gogokhia, and a resident of the city of Gali, Mr. Chedia, were seriously injured. The above-mentioned persons were driving a civilian gas transport truck (Zil registration number g.n. 88-78 AIY) loaded with gas. Unidentified gunmen opened fire on this truck. As a result of this, Vakhtang Gogokhia was killed, Mr. Kishmaria was seriously wounded and was transported to the regional hospital in Gali, and the driver of the truck, Mr. Chedia, was kidnapped together with the gasoline truck, by unidentified gunmen, who retreated to the territory controlled by the Abkhaz separatist regime.

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Letter dated 29 January 2001 from the Permanent Representative of Indonesia to the United Nations addressed to the President of the Security Council

On the instruction of my Government, with reference to the situation in East Timor and in light of the extension of the mandate of the United Nations Transitional Administration in East Timor (UNTAET), I have the honour to transmit the following:

1. The consideration by the Security Council of the activities of UNTAET, established through Council resolution 1272 (1999) for an initial period until 31 January 2001, affords a valuable opportunity for a candid self-appraisal by the Mission concerned, and an objective evaluation by the Council, of its strengths and weaknesses in order that it may continue in better stead in carrying out its important mandate.

2. Paragraph 7 of Security Council resolution 1272 (1999) stresses the importance of cooperation between Indonesia, Portugal and UNTAET in the implementation of the resolution. The Government of Indonesia has left no stone unturned in this endeavour and is firmly committed towards building a mutually beneficial and harmonious relationship with a future independent, democratic and stable East Timor. For Indonesia, the success of UNTAET in managing the transition process in East Timor cannot be a matter of fleeting interest. More than any other Member State of the Organization, for reasons of history and geography, and of societal links, Indonesia has a vital interest in seeing the successful completion of UNTAET's mandate.

3. It is in this context that the Government of Indonesia is fully committed to resolving all outstanding issues, including the question of East Timorese refugees currently still in the province of East Nusa Tenggara. To that end, Indonesia has consistently cooperated and will continue to exert all efforts to work in close cooperation with UNTAET, the Special Representative of the Secretary-General and Transitional Administrator for East Timor and the leaders of East Timor.

4. Over the past 15 months, effective channels of communication have been established between Indonesia and UNTAET at all levels of governance. During this period, Indonesia has welcomed frequent visits by the Special Representative of the Secretary-General and Transitional Administrator for East Timor and other high-ranking UNTAET officials, in Jakarta, Denpasar and Kupang. On all these occasions, representatives of UNTAET were able to

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meet and discuss issues of common interest and concern with their Indonesian counterparts. The President of the Republic of Indonesia has shown an especially keen and sincere interest in facilitating the work of UNTAET. Conversely, representatives of the Government of Indonesia have enjoyed the close cooperation of their UNTAET counterparts on their visits to Dili.

5. The Government of Indonesia has worked to expand the channels of communication between UNTAET and Indonesia by regularly facilitating talks between representatives of UNTAET with the leadership of the House of Representatives (DPR) and the People's Consultative Assembly (MPR). In anticipation of a post-UNTAET East Timor, Indonesia has also invested in the promotion of links between East Timorese and Indonesians, official as well as other community leaders, and in governance as well as civil society. The pursuit of knowledge by thousands of East Timorese youths at Indonesian institutions of higher learning today symbolizes this positive reality.

6. The Government and people of Indonesia, therefore, have expended time in adjusting to the new realities in East Timor. This has not been accorded due recognition. Indeed, the promotion of policies that are beneficial to East Timor has not been limited to bilateral issues. A consistent theme in Indonesia's policy has been the effort to promote a conducive regional and global milieu for a future East Timor.

7. From the very outset, the Government of Indonesia has been cognizant of the myriad of issues that need to be addressed stemming from the transfer of authority over East Timor from Indonesia to the United Nations. The historic visit of the President of the Republic of Indonesia to Dili on 29 February 2000, only months after the changed status of East Timor, helped to identify some of these issues as contained in the joint communiqué.

8. Progress in the consideration of these issues, including restoration of archives, pensions for former civil servants, East Timorese students in Indonesian institutions of higher learning and cultural artefacts, should not be underestimated. Three rounds of Indonesia-UNTAET meetings have been held (Denpasar, 28 and 29 March 2000; Yogyakarta, 24 and 25 May 2000; and Surabaya, 4 and 5 July 2000) and a fourth round is scheduled to take place on 30 and 31 January 2001. These have been supplemented by innumerable intensive technical/working group-level meetings between Indonesia and UNTAET to discuss specific issues of concern. Working group-level visits have also been organized, including visits by Indonesian assets team to Dili, also by a joint Indonesia-UNTAET team to Indonesian institutions of higher learning, as well as by an UNTAET team to Jakarta on the issue of archives as they relate to land records. In all these areas, important progress has been achieved.

9. As an illustration and among the most satisfactory has been the progress in the discussions on the issue of East Timorese students in Indonesian institutions of higher learning. By the beginning of 2001, the continuation of the studies of hundreds of East Timorese students in Indonesian institutions of higher learning have been ensured through the provisions of Indonesian government scholarships: the Timor Loro Sae Scholarship funded by Japan and administered by the United Nations Development Programme (UNDP); and that of the Ford Foundation administered by the Indonesian International

Education Foundation (IIEF). The fear expressed by some regarding the security of East Timorese students in Indonesian institutions of higher learning has been proved to be unfounded.

10. The issue of pensions for former civil servants has also been the subject of intensive discussions. After nearly a year of delay, the Government of Indonesia is pleased that, in December 2000, UNTAET was finally able to provide the data and original filled-out forms of 3,497 East Timorese deemed eligible to receive pensions. The said data are currently being urgently verified by PT Taspen (Civil Servants Insurance Saving) before payments may be made.

11. As with many other residual issues, it is important to maintain a certain degree of circumspection and perspective. When progress is less than wished or hoped for, the explanations are often the more mundane ones rather than headline-grabbing ones involving "militia" or "refugees" or indeed, thinly veiled suggestions of ill intent. The Government of Indonesia is fully cognizant of the enormous internal organizational and institutional challenges faced by UNTAET. For its part, Indonesia remains committed to working constructively and diligently with UNTAET in comprehensively addressing the various issues that have arisen as a result of the transfer of authority.

12. Few issues better illustrate the many shared interests and concerns of the Government of Indonesia and UNTAET than the question of East Timorese refugees in East Nusa Tenggara. Over the past year, some 130,000 refugees have returned. Since the departure of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other international humanitarian agencies from East Nusa Tenggara in the aftermath of the Atambua incident, Indonesia (the Task Force for the Settlement of the East Timorese refugees in East Timor) has facilitated the voluntary repatriation of some 4,000 refugees. This should be acknowledged. However, when some 150,000 refugees continue to languish at the camps in East Nusa Tenggara, economic, political, security and above all humanitarian considerations dictate continued and enhanced action by the Government of Indonesia.

13. The question of refugees should also be a matter of concern for UNTAET, by the implementation of action. Responsibility for the resolution of the East Timorese refugees issue is a shared one. To simplify the challenge as the issue of "militia" in the camps would guarantee only a partial solution. The Government of Indonesia has shouldered its share of its responsibility. Food, medicine and shelter have been provided. Also, as a result of its actions, arms and weapons have been effectively confiscated from the camps and security has been enhanced. This steady — indeed increasing — rate of spontaneous return of refugees in recent months attests to the fact that they are in fact able and willing to freely decide their future. In preparation of the formal registration of the refugees through which they would be able to decide to repatriate to East Timor or resettle in Indonesia, the Government of Indonesia is currently engaged in intensive dialogue and consultation with UNHCR, the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat (OCHA), the World Food Programme (WFP), UNDP and the International Organization for Migration (IOM). To facilitate their direct participation in this exercise, the Government of Indonesia is also currently

engaged in discussions with the Office of the United Nations Security Coordinator, through the designated official for the security of United Nations officials in Indonesia, to facilitate a visit by a United Nations team of experts which would assess the security rating for East Nusa Tenggara. The Government of Indonesia is awaiting the formal response of the Office of the United Nations Security Coordinator to such a security assessment visit.

14. Indonesia's efforts must be complemented. Contrary to suggestions, the situation in East Timor itself is in fact a matter of relevance to the return of refugees. Safety and security are a commonly expressed concern. So, too, is uncertainty surrounding the matter of property. The often-repeated call on Indonesia to improve the flow of information to the refugees or to eradicate, the "disinformation campaign" appears to have inadvertently encouraged inertia, less than the desired readiness to objectively acknowledge shortcomings. Clearly, the rate of refugee return is affected by the conditions not merely at the departure point, but also at the destination point. The Government of Indonesia stands ready to enhance direct and systematic cooperation with UNTAET in resolving this issue of common concern.

15. The Government of Indonesia reiterates its commitment to bring to justice those suspected of involvement in violations of human rights in East Timor as reflected in the ongoing work of the Office of the Attorney-General. Meanwhile, the trial of the six suspects involved in the killings of the three UNHCR humanitarian workers are also under way at the South Jakarta District Court. Concurrently, the trial of Mr. Eurico Guterres on charges of inciting weapons seizure on 24 September 2000 is taking place at North Jakarta District Court. In another notable development, Yakobus Berre is currently under police custody as a suspect in the killing of Private Manning.

16. Indonesia welcomes the renewed urgency with which UNTAET is promoting reconciliation among East Timorese. From the very outset, the Government of Indonesia has been consistent in its belief that reconciliation is key to the realization of a peaceful, stable, democratic and prosperous East Timor. In furtherance of this essential objective, on 18 and 19 December 2000, the Government of Indonesia helped facilitate a reconciliation meeting in Denpasar between the National Council of Timorese Resistance (CNRT) and *Uni Timor Aswain* (UNTAS). Further talks are being facilitated for March 2001.

17. While attention and effort have understandably focused on reconciliation between East Timorese within and outside East Timor, it would seem only prudent not to disengage from the situation in East Timor itself. Increased political activity as East Timor moves towards independence may sharpen political divisions which may in turn provoke violence. Indeed, in recent months, the Indonesian Government has followed with concern cases of disturbance, intimidation and indeed physical violence among East Timorese, including those targeted against returning refugees and against minorities in East Timor. A specific case in point is the case of intimidation and violence that took place during the first week of January 2001 at the Alor village, specifically against the Muslim minority. In addition, in an incident on 22 January 2001, a Pertamina (Indonesian State-owned oil company) security guard on duty drowned and died as a result of violence committed by a group

of men. Since this unfortunate incident, the Indonesian representative's office in Dili and Pertamina has been subject to threats of violence. The Government of Indonesia expects firm and resolute action on the part of UNTAET to urgently address this issue.

18. The Government of Indonesia reiterates its sincere commitment to working closely with UNTAET in fulfilling the successful completion of its important mandate.

It would be highly appreciated if the present letter could be circulated as a document of the Security Council.

(*Signed*) Makarim **Wibisono**
Ambassador
Permanent Representative

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Letter dated 29 January 2001 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to resolution 1336 (2001), adopted by the Security Council on 23 January 2001, by which the mandate of the monitoring mechanism established pursuant to resolution 1295 (2000) was extended for a period of three months, that is, until 19 April 2001. In paragraph 5 of that resolution the Council requested that, after consultation with the Security Council Committee established pursuant to resolution 864 (1993), I reappoint up to five of the experts to the monitoring mechanism.

Accordingly, having consulted with the Committee, I wish to inform you that I have reappointed the following experts:

Christine Gordon (United Kingdom of Great Britain and Northern Ireland)
Juan Larrain (Chile)
James Manzou (Zimbabwe)
Ismaila Seck (Senegal)
Lena Sundh (Sweden)

I have also requested Ambassador Juan Larrain to continue to chair the monitoring mechanism.

(*Signed*) Kofi A. **Annan**

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Draft resolution

The Security Council,

Reaffirming its previous resolutions on the situation in East Timor, in particular resolutions 1272 (1999) of 25 October 1999 and 1319 (2000) of 8 September 2000, and the relevant statements of its President, in particular those of 3 August 2000 (S/PRST/2000/26) and of 6 December 2000 (S/PRST/2000/39),

Having considered the report of the Secretary-General of 16 January 2001 (S/2001/42),

Commending the work of the United Nations Transitional Administration in East Timor (UNTAET) and the leadership of the Special Representative of the Secretary-General,

Expressing support for the steps taken by UNTAET to strengthen the involvement and direct participation of the East Timorese people in the administration of their territory, and *urging* further measures to delegate authority to the East Timorese people as an essential part of the transition to independence,

Encouraging efforts to achieve the goal of independence for East Timor by the end of 2001, as set out in paragraphs 4 and 50 of the report of the Secretary-General, and *acknowledging* that it is the responsibility of UNTAET to ensure free and fair elections in collaboration with the East Timorese people,

Reiterating its endorsement of the recommendations contained in the report of the Security Council Mission to East Timor and Indonesia (S/2000/1105) of 21 November 2000, in particular the view of the Mission that a strong international commitment will be required in East Timor after independence,

Underlining its concern at the continued presence of large numbers of refugees from East Timor in the camps in the province of East Nusa Tenggara (West Timor), and at the security situation there, particularly as it relates to militia activity and the effect on refugees, and *stressing* the need to find a comprehensive solution to the problem,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994, and *emphasizing* the need to take further steps to ensure the safety and security of international personnel in East Timor and Indonesia, in view of the dangers faced,

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Welcoming and encouraging efforts by the United Nations to sensitize international personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Emphasizing the need for continued international financial support to East Timor, and *urging* all those who have made pledges to the Trust Fund for East Timor to make their contributions expeditiously,

1. *Welcomes* the report of the Secretary-General of 16 January 2001;

2. *Decides* to extend the current mandate of UNTAET until 31 January 2002, bearing in mind the possible need for adjustments related to the independence timetable;

3. *Requests* the Special Representative of the Secretary-General to continue to take steps to delegate progressively further authority within the East Timor Transitional Administration (ETTA) to the East Timorese people until authority is fully transferred to the government of an independent State of East Timor, as set out in the report of the Secretary-General;

4. *Encourages* UNTAET, bearing in mind the need to support capacity-building for self-government, to continue to support fully the transition to independence, including through development and training for the East Timorese people;

5. *Calls upon* the international financial institutions, the United Nations funds and programmes and bilateral donors who have committed resources to East Timor to fulfil their commitments and to accelerate disbursements, in particular in areas relevant to peace-building and development assistance, and *reaffirms* in this regard the continued need for effective coordination of development assistance to East Timor;

6. *Urges* the international community to provide financial and technical assistance to the creation of an East Timor Defence Force, and *encourages and welcomes* the coordinating role of UNTAET in this endeavour;

7. *Underlines* that UNTAET should respond robustly to the militia threat in East Timor, consistent with its resolution 1272 (1999);

8. *Emphasizes* the need, in the light of the recommendations in the report of the Security Council Mission, for measures to address shortcomings in the administration of justice in East Timor, particularly with a view to bringing to justice those responsible for serious crimes in 1999, and for urgent action to expedite the training of the Timor Lorosae Police Service and to attract sufficient resources to develop this police service and the judicial system;

9. *Encourages* the Government of Indonesia, while acknowledging their efforts so far, to continue to take steps, in cooperation with UNTAET and relevant international agencies, in accordance with its resolution 1319 (2000) and the relevant recommendations in the statement of its President of 6 December 2000;

10. *Requests* the Secretary-General to submit to the Security Council by 30 April 2001 a report on the implementation of the mandate of UNTAET, which should include in particular military and political assessments of the situation on the ground and their implications for the size, structure and deployment of UNTAET,

and *expresses* its intention to take appropriate steps on the basis of this report expeditiously, taking into account the views of troop-contributing countries;

11. *Stresses* the need for a substantial international presence in East Timor after independence, and *requests* the Secretary-General to make detailed recommendations in this regard to the Council within six months of the adoption of this resolution, which should be developed in close consultation with the East Timorese people and in coordination with other relevant international and bilateral actors, in particular the international financial institutions and the United Nations funds and programmes;

12. *Decides* to remain actively seized of the matter.

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Draft resolution

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1311 (2000) of 28 July 2000, and the statement of its President of 14 November 2000 (S/PRST/2000/32),

Having considered the report of the Secretary-General of 18 January 2001 (S/2001/59),

Recalling the conclusions of the Lisbon (S/1997/57, annex) and Istanbul summits of the Organization for Security and Cooperation in Europe (OSCE) regarding the situation in Abkhazia, Georgia,

Stressing that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

Deeply concerned that, although currently mostly calm, the general situation in the conflict zone remains very volatile,

Noting the holding of the twelfth session of the Coordinating Council of the Georgian and Abkhaz sides on 23 January 2001,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Welcoming the important contributions that the United Nations Observer Mission in Georgia (UNOMIG) and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS peacekeeping force) continue to make in stabilizing the situation in the zone of conflict, *noting* that the working relationship between UNOMIG and the CIS peacekeeping force has remained very close, and *stressing* the importance of close cooperation between them in the performance of their respective mandates,

1. *Welcomes* the report of the Secretary-General of 18 January 2001;

2. *Strongly supports* the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator as well as of the Group of Friends of the Secretary-General and of the OSCE, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

3. *Strongly supports*, in particular, the intention of the Special Representative to submit, in the near future, the draft paper containing specific proposals to the parties on the question of the distribution of constitutional competences between Tbilisi and Sukhumi as a basis for meaningful negotiations;

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4. *Stresses* the need to accelerate work on the draft protocol on the return of the refugees to the Gali region and measures for economic rehabilitation, as well as on the draft agreement on peace and guarantees for the prevention and for the non-resumption of hostilities;

5. *Calls upon* the parties, in particular the Abkhaz side, to undertake immediate efforts to move beyond the impasse and to engage into negotiations on the core political questions of the conflict and all other outstanding issues in the United Nations-led peace process;

6. *Welcomes* the readiness of the Government of Ukraine to host the third meeting on confidence-building measures, *welcomes also* the commitment of both sides to the conflict to meet in Yalta in March 2001, and *notes* the important contribution a successful conference would make to the peace process;

7. *Reaffirms* the unacceptability of the demographic changes resulting from the conflict, and *reaffirms also* the inalienable right of all refugees and displaced persons affected by the conflict to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 (S/1994/397, annex II);

8. *Urges* the parties, in this context, to address urgently and in a concerted manner, as a first step, the undefined and insecure status of spontaneous returnees to the Gali district, which remains an issue of serious concern;

9. *Expresses its satisfaction* with the joint assessment mission to the Gali district, carried out under the aegis of the United Nations, and *looks forward* to the careful consideration of the mission's recommendations regarding human rights, law enforcement and education;

10. *Condemns* all violations of the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces (S/1994/583, annex I), and *notes* with particular concern the Abkhaz military exercise conducted in November 2000;

11. *Deplores* the rise in criminality and activities of armed groups in the conflict zone, which constitutes a major destabilizing factor affecting the overall situation, *calls upon* the parties to increase their efforts at curbing them and to cooperate in good faith using the means provided by the Coordinating Council mechanism, *condemns* the recent killings of civilians and Abkhaz militiamen, and *calls upon* both sides, in particular the Georgian side, to investigate these incidents and bring to justice those responsible;

12. *Condemns* the abduction of two UNOMIG military observers on 10 December 2000, *recalls* that the Georgian and the Abkhaz sides bear the primary responsibility for the security of UNOMIG, the CIS peacekeeping force and other international personnel, and *appeals* to them to bring to justice the perpetrators of the hostage-taking incidents of October 1999, June 2000 and December 2000;

13. *Calls upon* the parties to ensure security and freedom of movement of the United Nations and other international personnel;

14. *Welcomes* UNOMIG keeping its security arrangements under constant review in order to ensure the highest possible level of security for its staff;

15. *Decides* to extend the mandate of UNOMIG for a new period terminating on 31 July 2001, subject to a review by the Council of the mandate of UNOMIG in the event of any changes that may be made in the mandate or in the presence of the CIS peacekeeping force, and *expresses* its intention to conduct a thorough review of

the operation at the end of its current mandate, in the light of steps taken by the parties to achieve a comprehensive settlement;

16. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of this resolution on the situation in Abkhazia, Georgia, and *requests also* the Secretary-General to provide for a briefing within three months on the progress of the political settlement, including on the status of the draft paper his Special Representative intends to submit to the parties as referred to in paragraph 3 above;

17. *Decides* to remain actively seized of the matter.